

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

LOUIS CHARLES HAMILTON, II,

Plaintiff,

v.

**UNITED STATES OF AMERICA,
PRESIDENT ANDREW JOHNSON,
and PRESIDENT RUTHERFORD B.
HAYES,**

Defendants.

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CIVIL ACTION NO. 1:10-CV-808

MEMORANDUM ORDER ADOPTING REPORT AND DISMISSING CASE

Pending before the Court is the defendant United States of America's motion to dismiss [doc. #10]. The Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration and recommended disposition of case-dispositive pretrial motions. The Court has received and considered the report of the United States Magistrate Judge, along with the record and pleadings.

The magistrate judge recommended that the defendant's motion be granted. Judge Giblin also recommended that the Court dismiss the plaintiff's claims for lack of subject matter jurisdiction and failure to state a claim. No party has objected to the report and recommendation. After review, the Court finds that Judge Giblin's findings and recommendations should be accepted.

Based upon the magistrate judge's findings of fact and recommended disposition, the Court **ORDERS** that the report and recommendation [doc. #21] is **ADOPTED**. The Court further **ORDERS** that the defendant's motion to dismiss [doc. #10] is **GRANTED**. The plaintiff's claims are **DISMISSED** in their entirety, with prejudice, for lack of subject matter jurisdiction and failure to state a claim. The Clerk is directed to **CLOSE** this civil action. All pending motions not

addressed herein are **DENIED** as **MOOT**. This is a final judgment disposing of all claims and parties.

So **ORDERED** and **SIGNED** this **7** day of **March, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge